

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SCOTT BEHNKE,

Plaintiff,

Case No. 08-14035

v.

Honorable Patrick J. Duggan

HIDDEN OAKS GROUP INC.,

Defendant.

**ORDER GRANTING DEFENDANT'S MOTION
TO ADJOURN FINAL PRETRIAL CONFERENCE**

Pursuant to a Scheduling Order dated October 14, 2008, a final pretrial conference is scheduled in this matter for April 22, 2009. Defendant filed a motion on April 14, 2009, asking the Court to adjourn the conference to a later date because defense counsel now is scheduled to undergo orthopaedic surgery on April 22 to treat a recent injury. Defendant indicates that numerous requests for Plaintiff's concurrence have been sent to Plaintiff's counsel, but Plaintiff's counsel has not responded. Defendant also asks the Court to impose costs pursuant to Eastern District of Michigan Local Rule 7.1(a)(3) for unreasonable withholding of consent. Plaintiff has filed a response to the motion, objecting to the continuance because, Plaintiff argues, another attorney could stand in for Defendant's attorney.

Eastern District of Michigan Local Rule 40.2 provides the following with respect

to continuances of matters set for pretrial:

Counsel or any party without counsel shall be prepared and present themselves as ready in all cases set for trial or for pretrial on the date set unless, on timely application and good cause shown, the cases are continued.

E.D. Mich. LR 40.2. This Court finds Defendant's motion timely and that the asserted reason for the request establishes good cause for the continuance. Accordingly, the Court **grants** Defendant's Motion to Adjourn Final Pretrial Conference and reschedules the final pretrial conference for **April 29, 2009 at 2:30 p.m.** The Court will address Defendant's request for costs pursuant to Local Rule 7.1(a)(3) at the final pretrial conference.

SO ORDERED.

DATE: April 15, 2009

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Brian P. Parker, Esq.
Steven A. Siman, Esq.